

COOK

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned
 OTHER MINOR OFFENSE MO ☐ **X** 8510
 OTHER MISDEMEANOR Mis ☐ 1085 4
 FELONY Fel ☒ District Office 5-28-76

U.S. vs. **HILBURN, BUDDY DAVID** (Bond)
 Route 1, Box 1199 (53; Born
 Owasso, Oklahoma 74055 4-2-23)
 (LAST, FIRST, MIDDLE) JUVENILE

Case Filed
 Mo. Day
 3 10
 No. of Def's
 *

76-CR-31 - 1

U.S. TITLE/SECTION

18:35(b)

OFFENSES CHARGED

Imparting or conveying false
information (aircraft)

ORIGINAL COUNTS

1

(\$5,000 and/or 5 yrs.)

U.S. MAG.
CASE NO. 76-22M

BAIL • RELEASE

☐ Denied ☐ AMT ☐ Fugitive
☐ Set ☒ OR ☐ PSA
 \$ 1,000 ☐ 10% Deposit
 Date 3-4-76 ☐ Surety Bond
☐ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 3-4-76	High Risk Date 3-10-76	3-17-76	Trial Set For 4-19-76	Dismissed 5-28-76
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea "	Voir Dire <input checked="" type="checkbox"/> Trial Began <input checked="" type="checkbox"/> 4-19 Trial Ended 4-20	Disposition of Charges Dismissed
First Appearance	In Charging District	Final Plea	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/> G. Plea W/Drawn	<input type="checkbox"/> Convicted <input type="checkbox"/> On All Charges <input type="checkbox"/> Acquitted <input type="checkbox"/> On Lesser * Offense(s) <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP <input type="checkbox"/> On Govern'ts Motion

SUPERSEDING
COUNTS

(Mistrial)

MAGISTRATE		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued	3-3-76	CSB/850e	3-4-76	J/870a	<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued	3-3-76	CSB/850e			<input checked="" type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
Arrest Warrant Issued	Served					N.D. of Oklahoma
COMPLAINT						
OFFENSE (In Complaint)						

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☒ CJA Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Kenneth P. Snoke, Ass't.
 Ben Baker

Joel L. Wohlgemuth
 1100 Philtower Bldg.
 Tulsa, Okla. 74103
 583 -7571

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
1976 3-4		Filed Waiver of Preliminary Hearing " Deft's. Appear. Bond in amt. of \$1,000 OR Bond w/Order Specifying Meth & Cond of Release attached approved JONES	
3-5		All papers forwarded to Clerk, N.D. of Oklahoma (jem)	
3-11		MO: Case set for arraignment and plea 3-17-76 at 10:00 a.m.; deft's motions to be filed within 10 days; govt's responses 5 days there- after. (HDC-J)hm	
3-10		Record vote of the Grand Jury Concurring, filed in Open Court. v	
3-10		Indictment, filed in Open Court. v	
3-11		Deft. at V.A. Hospital, 921 N.E. 13th, O.C. 73141, PH: 405/239-8157. v	
3-12		Return on Mag.'s Warrant of Arrest, fld. Rec'd & executed 3-4-76 by arresting deft. in OK City, OK. v	
3-17		MO: Case called for arraignment and plea. Deft. present	

DATE	76-CR-31 (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
				Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
		and represented; govt. represented. Deft. acknowledges receipt of indictment, advised of charge, arraigned and enters plea of NOT GUILTY. Upon deft. Counsel's request for ext. of time to file motions, deft. given until 3-26-76 to file same; govt. given 5 days thereafter to respond. Case set for jury trial 4-19-76 at 9:30 a.m. and deft. allowed to stand on present bond. (HDC-J)hm					
3-17-76	MO: Case set for pre-trial hearing 4-14-76 at 12:20 p.m. (HDC-J)hm						
3-25	Request of def. for disclosure of evidence, filed.rm						
3-25	Appl. of def. for order permitting def. to employ expert witnesses, filed. rm						
3-25	Notice of intent to use expert testimony, filed.rm						
3-25	Motion to suppress of def., filed. rm						
3-25	Memo. brief in support of mo/suppress, filed. rm						
3-30	Response to PT Mtns., filed.jj						
3-30	Brief in Support of Response to PT Mtns., filed.jj						
4-6-	Order authorizing employment of expert witness, filed, directing that deft. be examined by Dr. James O'Carroll on 4-6-76 at 4:00 p.m. and that Dr. O'Carroll file a report of his findings within 5 days from date of examination, and that request to employ a psychologist is denied. (HDC-J)hm (copies to deft., deft. counsel, U.S.Atty & 2 c/c to prob. office.)hm						
4-7	Deft's applic. for order auth. issuance of subpoenas, filed. hm						
4-9	Order, filed, that subpoenas issued for trial on behalf of deft. Hilburn, be issued & served at expense of pltf. (HDC-J)g cp mld						
4-14	Subpoena, ret & filed: Served Ed A. Brashear, M.D. on 4-13-76; served the following on 4-12-76: Mrs. Dee Sotelo, James O'Carroll, M.D., Monnie (Mrs. Buddy) Hilburn, Delano Lang, Jim Tanksley, & Arnnie McGill. (USM \$15.68)ph						
4-14	Pre-trial hearing held. Counsel present. Deft. counsel withdraws mo/suppress, w/leave of Court. All pending motions now taken care of and are moot. Govt. to file applic. to have deft. examined by another psychiatrist and case heretofore set for J/T 4-19-76 at 10:00 a.m. (EST-1 day). Parties to file req. instr. within 2 days & pltf. to file brief within 2 days. (HDC-J)hm						
	(Cont)						
FINE AND RESTITUTION PAYMENTS							
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER		

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244);

B. NARA Exami-
nation (28
U.S.C. 2902).

C. State or Federal
trials on other
charges.

D. Interlocutory
Appeals.

E. Hearings on
pretrial motions.

F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).

G. Defendant Mo-
tion is actually
under advisement.
Period of
up to 30 days
is excludable
per
3161(h) (1) (G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Depo-
rtation,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant
or essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
indictment
and/or new
charges.

R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.

T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants
interests).

U. Time between
guilty plea and
plea with-
drawal.

W. Grand Jury in-
dictment ex-
tended per
3161 (b).

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs BUDDY DAVID HILBURN

76 - CR-31 - 1

Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1976	(Document No.)				
4-16	Subpoena, ret & filed: Served Jake Yourout on 4-16-76 at Owasso, OK; served John Termini, Personnel Tech. on 4-14-76 at Tulsa, OK.(USM \$8.04)ph				
4-19	Deft's proposed instructions for the jury, filed. hm				
4-16	Memo. brief of U.S.A., fld. v				
4-20	Subpoenae, ret. & filed: served Pamela Parrish, M.D. 4-16-76; unserved as to Marian Davis at req. of atty. (USM \$4.72)g				
4-20	Jury trial held 4/19 and 4/20. Parties present & rep Jury empaneled & parties present case in chief with testimony of witnesses & admission of exhibits. Jury retires to deliberate at 10:15 am, 4/20/76. Jury returns to Ct. at 3:45 pm. Unable to reach verdict. Both parties request mistrial, after def. mo/judg. of acquittal denied. Ct. declares mistrial and jury discharged. Case set for retrial for 6/14/76. Def. to remain on present bond. Ct. grants govt. leave to withdraw trial exhibits....(HDC-J)(T.Bloxom-CR)rm				
4-20	Court's Exhibits 1 and 2, filed in open Ct. rm				
4-20	Trial exhibits, filed. rm				
4-23	Return on Subpoenae to Testify, fld. Served James W. Tanksley, DeLano Lang, Arnie Ray McGill, Robert E. Baker, M. E. Williams, Mary Dollins, Janice Roberts, and Sarah Higeons. v				
5-4	Subpoenae, ret. & fld. served Edward Cole 4-8-76.(4.52)g				
5-28	Order for dismissal w/leave of court, filed and entered. (HDC-J)ph cps mld.				
8-18	Deft's appl. for payment of witness fee, filed.ph				
8-20	Order, filed, that witness Ed. Brashear, M.D., be paid \$150.00 at the expense of the gov't. (HDC-J)k cps mld & to USM				
1981					
1-8	EXHIBITS returned to respective parties.am				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

[illegible]